

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL NO. 1:17-CV-247-HSO-JCG

1 COLT 1911 PISTOL CAL:45 SN: 754236,
8 ROUNDS FEDERAL AMMUNITION
CAL:45, and 33 ROUNDS FEDERAL
AMMUNITION CAL:45

DEFENDANT PROPERTY

DEFAULT JUDGMENT OF FORFEITURE

Before the Court is Plaintiff United States of America's Motion [10] for Default Judgment of Forfeiture. Having considered the Motion and the relevant authorities, the Court finds that the relief the United States seeks should be granted. The Court further finds and adjudicates as follows:

1. On September 8, 2017, the United States filed a Verified Complaint [1] for Forfeiture in Rem. The Verified Complaint alleges that the above-referenced Defendant Property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).

2. On September 8, 2017, the Court issued a Warrant of Arrest in Rem. Warrant of Arrest in Rem [4].

3. Under Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States mailed direct, written notice of this instant civil asset forfeiture action against the Defendant Property, including copies of the Verified Complaint for Forfeiture in Rem,

Application for Warrant of Arrest in Rem, Warrant of Arrest in Rem, and Notice of Complaint for Forfeiture, to all potential claimants reasonably known to the United States, as evidenced by the United States' Proof of Service, filed with this Court on November 3, 2017. Proof of Service [5].

4. Beginning on September 9, 2017, the United States published for thirty (30) consecutive days on an official government internet website at www.forfeiture.gov notice of this instant civil asset forfeiture action against the Defendant Property, as evidenced by the Declaration of Publication filed in this cause on November 3, 2017. Decl. of Publication [6].

5. The aforementioned publication and direct notices informed Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, and all other persons or entities, known or unknown, having or claiming an interest in the Defendant Property that the Defendant Property had been arrested and that this instant civil forfeiture action was pending. The publication and direct notices also informed said persons and entities that any persons or entities having or claiming an interest in the Defendant Property had at least thirty-five (35) days after the plaintiff mailed its written, direct notice, or sixty (60) days after the first publication of notice on an official government website, to file a claim and twenty (20) days after filing such claim to file an answer. Furthermore, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims and Asset Forfeiture Actions, and warned that if this Supplemental Rule was not strictly followed, the Court could strike any claim and answer and enter default

judgment of forfeiture or summary judgment against any improperly claimed interest in the Defendant Property.

6. As of this date, no claims, answers, or appearances in this cause to assert an interest in the Defendant Property, or to otherwise defend against this instant forfeiture action, have been filed by Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, or any other person or entity. Thus, the time for Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, or any other person or entity to file a valid claim or answer in this action has lapsed pursuant to Supplemental Rule G.

7. As such, Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, and all other possible claimants are in total default; the Clerk of Court's November 9, 2017 Entry of Default [9] was proper; and the United States is entitled to a default judgment of forfeiture against the full interests of Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, and all other persons and entities in the Defendant Property, all without the necessity of further notice to Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED THAT:

a. The United States of America is hereby given a default judgment of forfeiture against the full interests of Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, and all other persons and entities in the Defendant Property described below:

**A Colt 1911 Pistol, .45 Caliber, Serial Number 754236;
8 Rounds Federal Ammunition, .45 Caliber; and
33 Rounds Federal Ammunition, .45 Caliber.**

b. Any administrative claims or interests therein of any entities or persons, including Scott Waits, Gwendolyn Montjoy, a/k/a Gwendolyn Monjoy, and any other possible claimant are hereby canceled;

c. The Defendant Property is referred to the custody of U.S. Marshals Service for disposition in accordance with the relevant law and regulations.

SO ORDERED AND ADJUDGED, this 9th day of November, 2017.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE